

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN L. CORRIGAN,

Plaintiff,

v.

WSP TROOPER D. DALE and D.
BURT; JUDGE A. HILLE, and
DEPUTY PROSECUTOR B.
SCUDDER,

Defendants.

NO. CV-07-227-RHW

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration (Ct. Rec. 100).
The motion was heard without oral argument.

On April 7, 2007, the Court granted Defendants' Motion for Summary
Judgment and denied Plaintiff's Motion for Recusal (Ct. Rec. 98). The Court
directed that judgment be entered in favor of Defendants and against Plaintiff.

Plaintiff now moves the Court to reconsider that order, pursuant to Fed. R.
Civ. P. 59.

A motion for reconsideration should not be granted, absent highly unusual
circumstances, unless the district court is presented with newly discovered
evidence, committed clear error, or if there is an intervening change in the
controlling law. *Nines v. Ashcroft*, 375 F.3d 805, 808 (9th Cir. 2004). It is
considered an "extraordinary remedy, to be used sparingly in the interests of
finality and conservation of judicial resources." *Carroll v. Nakatani*, 342 F.3d 934,
934 (9th Cir. 2003) (citation omitted). A motion under Rule 59(e) "may not be used

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1 to raise arguments or present evidence for the first time when they could
2 reasonably have been raised earlier in the litigation.” *Id.*

3 Here, Plaintiff is not relying any newly discovered evidence or intervening
4 change in controlling law to support his motion. Rather, Plaintiff is making the
5 same arguments already considered by the Court in ruling Defendants’ Motion for
6 Summary Judgment and other motions. As such, the Court denies Plaintiff’s
7 Motion for Reconsideration.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiff’s Motion for Reconsideration (Ct. Rec. 100) is **DENIED**.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 Order, forward copies to Plaintiff and counsel, and close the file.

12 **DATED** this 19th day of May, 2009.

13 *S/ Robert H. Whaley*

14 **ROBERT H. WHALEY**
15 Chief United States District Judge

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